

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re: Anthony Todd Gillis, Debtor)
)
)

Case No. 16-34610-KRH
Chapter 13

OBJECTION TO CONFIRMATION

COMES NOW Elizabeth C. Brogan, Counsel for Suzanne E. Wade, Chapter 13 Trustee, and moves this Court to deny confirmation of the Chapter 13 Plan (the “Plan”) dated September 20, 2016, for the cause as follows:

1. The Debtor filed this Chapter 13 Petition, now pending in the United States Bankruptcy Court, Eastern District of Virginia, Richmond Division, on September 20, 2016 under 11 U.S.C. Chapter 13.
2. This Objection is filed pursuant to 11 U.S.C. § 1325(a)(4).
3. The § 341 Meeting of Creditors, (the “§ 341 Meeting”) was conducted and concluded on November 3, 2016.
4. The above-filed Chapter 13 case is not eligible for confirmation due to the Debtor’s failure to disclose his interest in pending litigation. At the § 341 Meeting, the Debtor testified that he is currently involved in litigation regarding his mortgage company’s previous efforts to foreclose on his residence, which he believes to be improper. No foreclosure is disclosed in paragraph 10 of the Debtor’s Statement of Financial Affairs, and no pending litigation is disclosed in Schedule B. The Trustee requests the Debtor file amendments to his Statements and Schedules as necessary to describe the nature of his claim, the current status of any ongoing litigation, and any anticipated proceeds or debt forgiveness. The Trustee further suggests any future proceeds, debt forgiveness, or other resolution, must be timely disclosed to the Trustee at the time of the litigation’s resolution.
5. In addition, the Trustee would suggest the Plan fails to provide unsecured creditors a distribution equivalent to that they would receive through the Debtor’s Chapter 7 liquidation. Specifically, the Plan provides for payment of a 1% dividend of an estimated \$205,041.00 in unsecured claims; a total of approximately \$2050.41. The Trustee would suggest the Debtor possesses sufficient equity in vehicles, namely, his 2012 Harley Davidson; to pay unsecured creditors a higher dividend if the property were liquidated. The Trustee requests the Debtor file an amended Plan increasing the dividend paid to unsecured creditors.

Elizabeth C. Brogan
Counsel for Suzanne E. Wade, Chapter 13 Trustee
Virginia State Bar Number 76539
1313 East Main Street, Suite A
Post Office Box 1780
Richmond, Virginia 23218-1780
(804) 775-0979

WHEREFORE, for the reasons stated herein, the Chapter 13 Trustee, by Counsel, respectfully moves the Court to deny confirmation of the Debtor's proposed Chapter 13 Plan, and for such further and other relief as the Court deems necessary.

Date: November 29, 2016

/s/ Elizabeth C. Brogan

Elizabeth C. Brogan, Counsel for
Suzanne E. Wade, Chapter 13 Trustee

CERTIFICATE OF SERVICE

I hereby certify a true copy of the foregoing OBJECTION TO CONFIRMATION was served electronically or by first-class mail, postage prepaid, this 29th day of November, 2016, upon the following parties:

Anthony Todd Gillis
8212 Heather Ridge Court
Henrico, VA 23231

Richard W. Ferris, Counsel for Debtor
FerrisWinder, PLLC
530 East Main Street, Suite 300
Richmond, VA 23219
rwferris@ferriswinder.com

/s/ Elizabeth C. Brogan

Elizabeth C. Brogan, Counsel for
Suzanne E. Wade, Chapter 13 Trustee

Elizabeth C. Brogan

Counsel for Suzanne E. Wade, Chapter 13 Trustee
Virginia State Bar Number 76539
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)	Chapter 13
8212 Heather Ridge Court)	
Henrico, VA 23231)	
)	
XXX-XX-2243)	

NOTICE OF OBJECTION TO CONFIRMATION

Elizabeth C. Brogan, Counsel for Suzanne E. Wade, Chapter 13 Trustee, has filed papers with the Court objecting to the confirmation of your Chapter 13 Plan dated September 20, 2016.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in the Objection, or if you want the Court to consider your views on the Objection, then on or before three (3) days before the date of the hearing, you or your attorney must:

X File with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1(H). If you mail your response to the Court for filing, you must mail it early enough that the Court will receive it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street, Suite 4000
Richmond, Virginia 23219

You must also mail a copy to:

Elizabeth C. Brogan
Counsel for Suzanne E. Wade, Chapter 13 Trustee
Post Office Box 1780
Richmond, Virginia 23218-1780

Elizabeth C. Brogan

Counsel for Suzanne E. Wade, Chapter 13 Trustee
Virginia State Bar Number 76539
1313 East Main Street, Suite A
Post Office Box 1780
Richmond, Virginia 23218-1780
(804) 775-0979

X Attend the hearing on the Objection, scheduled to be held on **December 7, 2016 at 11:10 a.m.** at **United States Bankruptcy Court, 701 East Broad Street, Room 5000, Richmond, VA 23219.**

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Objection, and may enter an order granting that relief.

Date: November 29, 2016

/s/ Elizabeth C. Brogan

Elizabeth C. Brogan, Counsel for
Suzanne E. Wade, Chapter 13 Trustee

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/s/ Elizabeth C. Brogan

Elizabeth C. Brogan, Counsel for
Suzanne E. Wade, Chapter 13 Trustee

Elizabeth C. Brogan
Counsel for Suzanne E. Wade, Chapter 13 Trustee
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